

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MICHELLE AMBERS,
Plaintiff,

v.

SOUTHWEST CREDIT SYSTEMS, L.P.,
Defendants.

CIVIL ACTION NO. _____

DEFENDANT'S NOTICE OF REMOVAL
[28 U.S.C. §§ 1332, 1441 and 1446]

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, the Defendant Southwest Credit Systems, L.P., hereby gives notice of the removal of this action from Suffolk Superior Court to this Court on the basis of diversity jurisdiction. In support of this notice, the Defendant states as follows:

1. The Plaintiff Michelle Ambers commenced a state court action on November 11, 2016, by filing her Complaint in Suffolk Superior Court, Civil Action No. 1684CV03495D. (See Exhibit A).
2. The Defendant first received a copy of the Complaint on or about December 5, 2016.
3. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely. It is filed within thirty days of Defendant's receipt of process, and less than a year after the commencement of the action. Id.
4. Suffolk Superior Court is located within this Court's District. Thus, venue is proper in this Court because it is the "district and division embracing the place where such action is pending." 28 U.S.C. § 1441(a).

5. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §1332, because there is complete diversity between the Plaintiff and Defendant.

6. The Plaintiff alleges in her Complaint (Exhibit A, ¶5) that she is a resident of Boston, Massachusetts.

7. The Defendant Southwest Credit Systems, L.P. is a Texas Limited Partnership with a principal office located at 410 International Parkway, Suite 1100, Carrollton, TX 75007. None of its partners are citizens of Massachusetts.

8. Accordingly, there is complete diversity.

9. The Plaintiff purports to represent a class and is seeking damages in excess of \$75,000 exclusive of interest and costs. The amount in controversy thus exceeds \$75,000.

10. Accordingly, this Court has diversity jurisdiction based upon 28 U.S.C. §§1332, 1441, and 1446.

11. Pursuant to 28 U.S.C. §1446(d), the Defendant is filing a copy of this Notice of Removal with the Clerk of Suffolk Superior Court, and is serving copies of both the state and federal court notices upon the counsel for the Plaintiff.

For the foregoing reasons, the Defendant hereby removes this action from Suffolk Superior Court to the United States District Court for the District of Massachusetts, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

Dated: December 27, 2016

SOUTHWEST CREDIT SYSTEMS, L.P.

By its attorneys,

/s/ John J. O'Connor

John J. O'Connor

BBO # 555251

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of December 2016, I served the foregoing document by causing a copy of same to be served by First-Class Mail, postage pre-paid to:

Sergei Lemberg, Esq.
Lemberg Law, LLC
43 Danbury Road
Wilton, CT 06897

/s/ John J. O'Connor

John J. O'Connor

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